

## ProMediate

### Schedule 5 ProMediate 1 October 2022-30 September 2023

Information to be included in an ADR entity's annual activity report

(a) the number of domestic disputes the ADR entity has received;

No. enquiries received (domestic)	No. enquiries received (cross-border)	No. disputes received (domestic)	No. disputes received (cross-border)	No. disputes accepted (continued to case) (domestic)	No. disputes accepted (continued to case) (cross-border)
157	0	21	0	11	0

(b) the types of complaints to which the domestic disputes and cross-border disputes relate;

Types of disputes:

- Disputes with gambling operators as we are also approved by UKGC.
- Disputes about purchase of consumer goods including shoes installation of chimneys and fireplaces and washing machines as we are ADR provider for Clarks, Whirlpool and Hetas.
- Disputes about car repair and credit hire services
- Disputes about lawyers' services

(c) a description of any systematic or significant problems that occur frequently and lead to disputes between consumers and traders of which the ADR entity has become aware due to its operations as an ADR entity;

- With credit hire and repair services the consumer often complains about repairs but finds it difficult to establish a claim because expert evidence is often required. Also the consumer is often confused as their complaint is sometimes about the insurance policy which is covered by the Financial Ombudsman
- With complaints about consumer purchases the trader is often unwilling to use ADR.

- (d) any recommendations the ADR entity may have as to how the problems referred to in paragraph (c) could be avoided or resolved in future, in order to raise traders' standards and to facilitate the exchange of information and best practices;

Regarding traders not using ADR we would suggest making it compulsory to use ADR before engaging in the Court process.

- (e) the number of disputes which the ADR entity has refused to deal with, and the percentage share of the grounds set in paragraph 13 of Schedule 3 on which the ADR entity has declined to consider such disputes;

We have not refused to deal with any disputes. On one occasion the consumer had not completed the internal complaints process and so we forwarded it on to Auxillis but said we were happy to deal with it if the consumer remained dissatisfied. With disputes about Clarks shoes we forward the complaint to Clarks and the customer has generally not complained to Clarks first.

Total no. of disputes rejected	0
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Reason	No. rejected	Percentage of rejected
a) the consumer has not attempted to contact the trader first	0	0
b) the dispute was frivolous or vexatious	0	0
c) the dispute had been previously considered by another ADR body or the court	1	10
d) the value fell below the monetary value	0	0
e) the consumer did not submit the disputes within the time period specified	0	0
f) dealing with the dispute would have impaired the operation of the ADR body	0	0
g) other (enquired too early, not yet complained to trader, trader not member, advice call etc...)	9	90

- (f) the percentage of alternative dispute resolution procedures which were discontinued for operational reasons and, if known, the reasons for discontinuation;

	No. discontinued	Percentage of discontinued
Discontinued for operational reasons	1	100%

Reasons for discontinuation: in one Auxillis matter we discontinued as there was a lack of engagement with the consumer.

(g) the average time taken to resolve domestic disputes and cross-border disputes;

	<b>Domestic</b>	<b>Cross-border</b>
Average time taken to resolve disputes (from receipt of complaint)	42.2	0
Average time taken to resolve disputes (from 'complete complaint file')	18.8	0

Total average time taken to resolve disputes	42.2
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(h) the rate of compliance, if known, with the outcomes the alternative dispute resolution procedures (amongst your members, or those you provide ADR for)

The traders comply with the agreed outcomes 100% as they enter the process on this basis.

***(i) This point has been removed in amendments on 1 January 2021***

Please add any additional information or data you think might be useful or interesting at the bottom of this report.

During this period we were no longer offering free consumer mediation. Previously we had undertaken a free trial and published a report funded by the EU which was the ADR roadshow. We had an increased uptake and enquiries during this period. There has been a decrease in the enquiries and ADR processes undertaken. We are essentially only conducting mediations in relation to Auxillis, Hetas and Whirlpool. We have not conducted any mediations for Clarks.

### Schedule 6 ProMediate 1 October 2021 – 30 September 2023

Information which an ADR entity must communicate to relevant competent authority every two years

(a) the number of disputes received by the ADR entity and the types of complaints to which the disputes relate;

No. enquiries received (domestic)	No. enquiries received (cross-border)	No. disputes received (domestic)	No. disputes received (cross-border)	No. disputes accepted (domestic)	No. disputes accepted (cross-border)
731	0	44	0	34	0

Types of disputes:

- Disputes with gambling operators as we are also approved by UKGC.
- Disputes about purchase of consumer goods including shoes installation of chimneys and fireplaces and washing machines as we are ADR provider for Clarks, Whirlpool and Hetas.
- Disputes about car repair and credit hire services
- Disputes about lawyers' services

(b) the percentage share of alternative dispute resolution procedures which were discontinued before an outcome was reached;

1 discontinued owing to lack of engagement from consumer

Reason	No. disputes discontinued	Percentage discontinued
Rejected for operational reasons		
a) the consumer has not attempted to contact the trader first	33	94.28
b) the dispute was frivolous or vexatious	1	2.85
c) the dispute had been previously considered by another ADR body or the court	1	2.85
d) the value fell below the monetary value	0	
e) the consumer did not submit the disputes within the time period specified	0	
f) dealing with the dispute would have impaired the operation of the ADR body	0	
Case withdrawn by consumer	0	
Case withdrawn by trader	0	
Solution reached without ADR	0	
The trader was not a member of the ADR scheme (if this is a requirement)	0	

(c) the average time taken to resolve the disputes which the ADR entity has received;

	Domestic	Cross-border
Average time taken to resolve disputes (from receipt of complaint)	37.1	
Average time taken to resolve disputes (from 'complete complaint file')	13.4	

Total average time taken to resolve disputes	37.1
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(d) the rate of compliance, if known, with the outcomes of its alternative dispute resolution procedures;

The traders who agree to use ADR always comply with the outcome.

- (e) any recommendations the ADR entity may have as to how any systematic or significant problems that occur frequently and lead to disputes between consumers and traders could be avoided or resolved in future;

***(f) This point has been removed in amendments on 1 January 2021***

- (g) where the ADR entity provided training to its ADR officials, details of the training it provides;

We do not provide training except for observations of mediations. We are a registered mediation training provider. Currently only Peter Causton is actually conducting mediations as there is insufficient work available to justify using any other ADR official.

- (h) an assessment the effectiveness of an alternative dispute resolution procedure offered by the ADR entity and of possible ways of improving its performance.

We are effective but could improve by obtaining the traders' information/documents quicker. We need to discuss this with Auxillis who send a paper file by post. This takes longer than by email.

In respect of resolution time periods we could shorten this if we obtained the traders' responses and documents more quickly.

We are seeing an increased use of online mediation as opposed to telephone mediation. This is more effective in our view but it takes longer to arrange an online mediation.

If forthcoming legislation results in higher regulation costs without an increase in users of ADR or compulsion to use ADR we may stop acting as an ADR provider as it is not profitable to continue doing so. The MOJ's plan to increase the use of the free Court mediation service is also likely to result in less ADR prior to bringing proceedings in the Small Claims Court.

There are a limited number of traders who use our services including Auxillis Whirlpool and Hetas. Some traders' use of the ADR services is limited and they appear to use us as a triage service for reviewing and forwarding complaints to them. Some traders, particularly lawyers, refer to us in deadlock letters but refuse to use ADR.

It would greatly increase effectiveness if traders who put forward ADR are obliged to use it. Otherwise many of the enquiries we receive lead nowhere. This is a point we have made since the outset of the ADR system.

Since leaving the EU there has been a reduction in publicity about ADR and less interest. Take for example their finding of our ADR roadshow whereby we offered free mediation/ADR to consumers.

Please add any additional information or data you think might be useful or interesting at the bottom of this report.

We do not exclusively do mediation in consumer cases. We sometimes carry out a Zoom mediation taking longer than an hour when requested rather than the accelerated procedure we offer. This can mean that average resolution periods are skewed because it takes longer to set up an online mediation and to arrange the mediation around people's availability.

Following the coronavirus pandemic we are seeing more online mediations using Zoom rather than by telephone.